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MONTANA LEGISLATIVE HISTORY

Chapter 396 19 91

Bill H _____ S 276 Original bill & history X C

H. Committee on LOCAL GOV'T			S. Committee on LOCAL GOV'T		
Hearing Date(s) & EXEC ACTION	3/13	X C	Hearing Date(s) & EXEC ACTION	2/14	X C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/13	HEARING		
3/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/14	2ND READING PASSED AS AMENDED	28	17
3/15	3RD READING PASSED	43	5
3/16	FIRST READING		
3/16	REFERRED TO APPROPRIATIONS		
4/04	HEARING		
4/04	COMMITTEE REPORT—BILL CONCURRED		
4/06	2ND READING CONCURRED	89	0
4/06	ON MOTION RULES SUSPENDED TO PLACE ON 3RD READING THIS DAY		
4/06	3RD READING CONCURRED	95	2
	RETURNED TO SENATE		
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 513	EFFECTIVE DATE: 4/20/91	

B 275 INTRODUCED BY GAGE

REPEAL CERTAIN NUISANCE TAXES

BY REQUEST OF DEPARTMENT OF REVENUE

2/04	INTRODUCED		
2/05	FISCAL NOTE REQUESTED		
2/05	REFERRED TO TAXATION		
2/05	FIRST READING		
2/07	FISCAL NOTE RECEIVED		
2/08	FISCAL NOTE PRINTED		
2/13	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	48	0
2/18	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO TAXATION		
3/22	HEARING		
4/13	COMMITTEE REPORT—BILL CONCURRED		
4/15	2ND READING CONCURRED AS AMENDED	53	44
4/16	3RD READING CONCURRED	65	34
	RETURNED TO SENATE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	49	0
4/18	3RD READING AMENDMENTS CONCURRED	49	0
4/22	SIGNED BY PRESIDENT		
4/23	SIGNED BY SPEAKER		
4/23	TRANSMITTED TO GOVERNOR		
4/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 658		
	EFFECTIVE DATE: 04/26/91 - SECTIONS 1, 2, 4, 5		
	EFFECTIVE DATE: 12/31/91 - SECTION 3		

SB 276 INTRODUCED BY FRITZ, ET AL.

PARTIAL SALARY FOR FIREFIGHTER INJURED IN PERFORMANCE OF DUTY

2/05	INTRODUCED		
2/05	FISCAL NOTE REQUESTED		
2/06	REFERRED TO LOCAL GOVERNMENT		
2/06	FIRST READING		
2/11	FISCAL NOTE RECEIVED		
2/11	FISCAL NOTE PRINTED		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	48	0

2/18	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO LOCAL GOVERNMENT		
3/13	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/16	2ND READING CONCURRED	83	7
3/18	3RD READING CONCURRED	92	6
	RETURNED TO SENATE WITH AMENDMENTS		
3/28	2ND READING AMENDMENTS CONCURRED	49	0
4/01	3RD READING AMENDMENTS CONCURRED	48	0
4/04	SIGNED BY PRESIDENT		
4/04	SIGNED BY SPEAKER		
4/05	TRANSMITTED TO GOVERNOR		
4/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 396	EFFECTIVE DATE: 10/01/91	

SB 277 INTRODUCED BY GAGE

MODIFY MEMBERSHIP OF DEVELOPMENTAL DISABILITIES PLANNING & ADVISORY COUNCIL

BY REQUEST OF DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

2/05	INTRODUCED		
2/06	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/06	FIRST READING		
2/14	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/18	FISCAL NOTE PRINTED		
2/18	FISCAL NOTE RECEIVED		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	49	0
2/21	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO HUMAN SERVICES & AGING		
3/19	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED		
4/05	2ND READING CONCURRED	92	2
4/06	3RD READING CONCURRED	89	7
	RETURNED TO SENATE		
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 443	EFFECTIVE DATE: 10/01/91	

SB 278 INTRODUCED BY GAGE

REPEAL CERTAIN NUISANCE TAXES; REPEAL THE EXPRESS COMPANY LICENSE TAX AND THE SLEEPING CAR COMPANY LICENSE TAX

BY REQUEST OF DEPARTMENT OF REVENUE

2/05	INTRODUCED		
2/06	REFERRED TO TAXATION		
2/06	FIRST READING		
2/14	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED		
2/14	FISCAL NOTE REQUESTED		
2/15	2ND READING PASSED	48	1
2/16	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		

SENATE BILL NO. 276

INTRODUCED BY FRITZ, CLARK, J. RICE, WHALEN, SQUIRES, DAVIS, PETERSON, KIMBERLEY, VAN VALKENBURG, STRIZICH, HAGER

IN THE SENATE

FEBRUARY 5, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 6, 1991	FIRST READING.
FEBRUARY 15, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 18, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 14, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 16, 1991	SECOND READING, CONCURRED IN.
MARCH 18, 1991	THIRD READING, CONCURRED IN. AYES, 92; NOES, 6.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 18, 1991	RECEIVED FROM HOUSE.
MARCH 23, 1991	ON MOTION, CONSIDERATION PASSED UNTIL THE 64TH LEGISLATIVE DAY

MARCH 28, 1991	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 1, 1991	THIRD READING, AMENDMENTS CONCURRED IN.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 276

INTRODUCED BY Whalen Hager Kimberley

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PAYMENT OF A PARTIAL SALARY TO A FIREFIGHTER INJURED IN THE PERFORMANCE OF DUTY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Payment of partial salary to firefighter injured in performance of duty.** (1) A member of a fire department of a first- or second-class municipality who is injured in the performance of duty must be paid by the municipality the difference between his full salary and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must require medical or other remedial treatment and must be incapable of performing his duties as a result of the injury.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, part 41, and the provisions of Title 7, chapter 33, part 41, apply to [section 1].

-End-

Montana Legislative Council

INTRODUCED BILL
SB 276

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0276, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring payment of partial salary to a firefighter injured in the performance of duty.

ASSUMPTIONS:

1. A member of a fire department of a first or second class municipality injured in the performance of duty must be paid by the municipality the difference between his full salary and the amount received from workers' compensation until the disability has ceased.
2. The proposed legislation will not change the amount of workers' compensation currently paid to an eligible firefighter.

FISCAL IMPACT:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Personal service costs in first and second class municipalities would increase above the amount currently paid when a firefighter is injured while performing his/her duties and subsequently becomes eligible for workers' compensation.

2-9-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/6/91

HARRY FRITZ, PRIMARY SPONSOR DATE

Fiscal Note for SB0276, as introduced.

SB 276

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Esther Bengtson, on February 14, 1991, at 3:23 p.m.

ROLL CALL

Members Present:

Esther Bengtson, Chairman (D)
Eleanor Vaughn, Vice Chairman (D)
Thomas Beck (R)
Dorothy Eck (D)
H.W. Hammond (R)
Ethel Harding (R)
John Jr. Kennedy (D)
Gene Thayer (R)
Mignon Waterman (D)

Members Excused: none

Staff Present: Connie Erickson (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Linda Stoll Anderson shared information with the committee about a possible committee bill. This past weekend she was able to talk with the County Treasurers, County Clerks, and the Sheriffs that were meeting in Helena. She had presented three tiers, #1 structure of boards in Title 7, #2 boards, and #3 fees and accounting. The Clerks, Treasurers, and Sheriffs are very unhappy with tier #3, and asked that it be pulled, and study for a couple of years. They are the most controversial of the package. Ms. Anderson said that she would like to address this committee in two years about the study. Senator Bengtson said that the committee would consider tier #1 & #2 today, and the committee bill request. Senator Hammond asked Ms. Anderson if she talked with the Commissioners from Phillips County? She had not. Senator Hammond said that they were only in favor of tier #3. Senator Bengtson said that the committee members need to be ready to discuss this bill before transmittal and assigned

February 19th as the date. Connie Erickson said the request for the bill must be in by February 16th, and this is a general bill and would need to go through transmittal. This bill is not even drafted and she was concerned about the time frame. Ms. Anderson said that the information she had presented outlined the sections affected, and presented possible wording for a bill. C. Erickson will go ahead and request the bill, and she will review Ms. Anderson's proposal and present it to the committee next week. Senator Waterman said she would really like to see tier #1 and #2 addressed. Senator Bengtson asked for a motion. Senator Vaughn moved that C. Erickson request a committee bill, and investigate Ms. Anderson's information to see what can be done before transmittal. The vote was unanimous.

HEARING ON SB-276

Presentation and Opening Statement by Sponsor: Senator Harry Fritz, District #28, said it was a pleasure to present a bill with a fiscal note that says "no impact". Even if it is wrong. One of the proponents is going to present an amendment that plugs the loophole. The bill is one which allows for a firefighter in a 1st of 2nd class municipality, who is injured in the line of duty, to be paid his full salary, by having the municipality make up the difference between the salary and workers' compensation benefit. The amendment will talk about net salary. This is a similar arrangement that police officers currently enjoy.

Proponents' Testimony: Vern Erickson, Montana State Firemen's Association (MSFA), said the importance of this bill was brought home this last year in Billings. One of their firemen was injured making a rescue off the rims in Billings. During his recovery he suffered severe financial hardships. He is now retired. The MSFA thought they should try to secure this benefit that is enjoyed by law enforcement officers of the state. One of the benefits in this is being able to keep individuals, who the cities have trained and benefit from experience, after rehabilitation the cities will benefit. This compensation is only for one year, and if the individual is unable to return to work, then he may retire. It would give the individual this year to try to rehabilitate, keep his family together, and try to return to work. We urge the committee to Do Pass on SB-276.

Alec Hanson, Montana League of Cities and Towns (MLCT) said that their association wrestled with this bill, but have come up with

an amendment that will work for everyone. Senator Fritz and the members of the firefighters' union agree with the amendment. The bill as written would reimburse firefighters for the difference between their weekly comp payment, which is 2/3 of the actual salary, and their full salary. This creates a problem. The law is written this way for police officers, and what happens, is that they receive more money than their actual salaries. The first $299, the Workers' Comp portion, is exempt from taxes, so it is free and clear. Then the reimbursement of the remainder gives the police officer more money than his actual take home pay when he is working. MLCT looks at this as a dis-incentive for people to return to work. Some of the actuarial analysis of the Workers' Comp program, and there is a clear indication that the cost among our police officers on the compensation side, is quite a bit higher than the other municipal employees. The amendment would strike "full salary" on Page 1, Section 1, line 13, and change it to "net salary". The effect of the amendment is that firefighters will receive the same amount as when he was working. This will not create an advantage if you are disabled. This is essentially the same amount as the take home pay, but it is the combination of Workers' Compensation benefit and a contribution from the city. This is important for two reasons. If the firefighter is injured, and rehab is difficult, he will for one year have this benefit of his full salary. Secondly, with this amendment, the bill does not create a dis-incentive that would prevent some of these people from returning to work. It is only one year, but it would be difficult to return to work if you made more money being at home. We have time and money invested in our firefighters and they are a valuable employees to communities. They do a tremendous job, we want to make them hole, but encourage them to come back to work. (Exhibit #1)

Tim Bergstrom, Montana State Council Firefighters, (MSCF), and they support this bill as amended. We ask the committee to Do Pass Sb-276 as amended.

Opponents' Testimony: none

Questions From Committee Members:
Senator Thayer asked Mr. Hanson why not have this for all public employees? Mr. Hanson said that was a good question? They would have to deal with this when asked by others. MLCT next move is to work with the police to amend that law like this. They would like to offer this to employees in the public safety area to try to make this uniform. The true answer to the question is if other public employees, like garbage haulers, asked for similar benefits, we might resist. Firefighters receive a slightly

higher salary, even after taxes, than the weekly Workers' Comp benefit. It is apparent that the weekly Workers' Comp benefit is going to be increased this year by the Legislature, so it is possible that the cost of this would not be so high to the municipalities. Senator Thayer asked what the weekly Workers' Comp benefit is? Mr. Hanson said the average weekly salary is in the range of $330-350. The average weekly Workers' Comp rate is $299, and there is a bill that will increase it to the neighborhood of $330, so the difference would be narrowed. Senator Hammond asked if $330 is definite? Mr. Hanson said that no one is sure, but in 1987 they froze the weekly benefit for a period of four years, and that is scheduled to come off.

Senator Harding asked Mr. Hanson if firefighters are paid weekly? Mr. Hanson said they are paid bi-weekly, so they are paid 26 weeks/year. Senator Harding said for that amount of money, the payroll would be impacted. Mr. Hanson said that the city of Helena currently does this under their own authority, and they have good experience with it. The proposed increase in the weekly Workers' Comp benefit and the deductions back to net is a reasonable benefit at a reasonable cost.

Senator Thayer asked Mr. Hanson if he had any figures on what the average length of time off the job is in case of the police that already have this benefit? Mr. Hanson said he was not sure. He has looked at some of the actuarial results and rate setting, and there is an indication that there is a worse than average experience among the police officers on the Workers' Comp side. The rate for firefighters is better than average. They are over a period of 4 years. MLCT rate for firefighters is far below the state level and the rate for police officers is right at the state level. So we have had better experience with firefighters. He added that there is no established, direct correlation, and the insurance adjusters have told him that the full pay is a problem with getting police officers back to work. By adjusting back to make it even, they feel it will not be such a problem.

Closing by Sponsor: Senator Fritz said that this is a good bill, and an even better amendment. Does not apply to garbage collectors. He will sponsor the amendment for the police officers. Please Do Pass as Amended SB-276.

Motion: Senator Beck moved to Do Pass SB-102 as amended.

Recommendation and Vote: The vote was unanimous and Senator Hammond voted by proxy.

EXECUTIVE ACTION ON SB-276

Motion: Senator Hammond moved to amend SB-276. The vote was unanimous.

Amendments, Discussion, and Votes: The vote to amend was unanimous. Senator Thayer asked if there was any way to add the police officers to this bill to adjust them at the same time? C. Erickson said that she was unsure if that could be done in this bill. Her first impression was no.

Senator Thayer said his own philosophical rule was that this is a contract bargaining tool, and should not be legislated to be a mandate for all cities. There are unions that represent these bargaining groups, and they should not come to the Legislature every year with these kinds of packages.

Senator Bengtson asked if it would be fair to add the police without their input, because this would lower the amount of money they would get? Senator Vaughn said municipalities had not be contacted about this, so this committee should not be amending in things like this.

Senator Kennedy asked Vern Erickson why this matter is not done during contract negotiations? Mr. Erickson said he has been involved for 10 years with different mayors, managers and philosophies. The association would like to have some consistency in their profession that applies to all firefighters. It is important for those who look at firefighting as a livelihood to know what they can expect in the years ahead. We see differences in philosophy in a city in one year's time. There is no fault here, but the percentage of members say they want this consistency.

Senator Thayer asked if this is something bargaining units have tried and had turned down? Mr. Erickson said that Helena did ask and received it. He could not speak about other areas.

Senator Kennedy asked Mr. Erickson if he knew the number of firefighters injured in the line of duty? Mr. Erickson said the statistics from the Firefighters' Retirement Board, that since 1981 they have had less than 1% disability/year for all 1st and 2nd class cities. Senator Kennedy asked if disability covered other things than just injury? Mr. Erickson said he did not have stats just on injury. He said the problem in Billings was the most recent.

Senator Kennedy said he was hesitant to pass things that cost local government more money. Mr. Erickson said that this would not cost more because why the employee in on disability compensation the city does not pay that Workers'Compensation portion of the benefit, so that would be a savings. Senator Thayer questioned whether cities did not have another salary from the newly hired replacement? Mr. Erickson said no because there is enough surplus in employees that a replacement is usually not hired. This gives the injured worker time to rehabilitate and return. If he retires, then they will hire someone else.

Senator Kennedy asked how many injuries do they have in one year? Mr. Erickson said he did not have that figure. Senator Kennedy said that this did not sound like it was going to be a lot of money. Senator Thayer suggested that if the committee passes this bill that they amend it to make it permissive with "may".

Senator Eck said this may apply only to self-governing cities. Senator Bengtson said that it is done now because Helena did it. Mr. Erickson said that he agreed with Senator Bengtson that it is permissive now.

Motion and Vote: Senator Waterman moved to Do Pass SB-276 as amended. The vote was recorded as a roll call. The motion passed 6 to 3 in favor.

HEARING ON HB-64

Presentation and Opening Statement by Sponsor: Representative Ray Peck said his bill originated like SB-79, when a member of the museum association in his area indicated that they wanted the number of board members increased. This bill basically does this, and this bill had amendments suggested to have "up to 5 members. There is language to stagger terms of office. These are

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 2-14-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck	X		
Senator Bengtson	X		
Senator Eck	X		
Senator Hammond	X		
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-14-91 Bill No. SB-276 Time 4:37

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		X
Senator Harding		X
Senator Kennedy	X	
Senator Thayer		X
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson
Secretary

Senator Esther Bengtson
Chairman

Motion: Due Pass SB-276 as amended

SENATE LOCAL GOVT. COMM.
EXHIBIT NO. 1
DATE 2-14-91
BILL NO. SB-276

AMENDMENTS TO SB276

Page 1, Section 1, Line 13 - Strike "; full salary"

Page 1, Section 1, Line 13 - Following "his" insert "; net salary following adjustments for state and local income taxes and pension contributions."

Amendments to Senate Bill No. 276
First Reading Copy

Requested by Senator Fritz
For the Committee on Local Government

Prepared by Connie Erickson
February 15, 1991

1. Page 1, line 13.
Following: "his"
Strike: "full salary"
Insert: "net salary, following adjustments for state and local income taxes and pension contributions,"

SENATE STANDING COMMITTEE REPORT

February 15, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 276 (first reading copy -- white), respectfully report that Senate Bill No. 276 be amended and as so amended do pass:

1. Page 1, line 13.
Following: "his"
Strike: "full salary"
Insert: "net salary, following adjustments for state and local income taxes and pension contributions,"

Signed: _____
Esther G. Bengtson, Chairman

2-15-91
Amd. Coord.

3105
Sec. of Senate

35135SSC.SII

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By DIANA WYATT, CHAIR, on March 13, 1991, at 3:15 p.m.

ROLL CALL

Members Present:
Diana Wyatt, Chair (D)
Jessica Stickney, Vice-Chair (D)
Joe Barnett (R)
Arlene Becker (D)
Vivian Brooke (D)
Dave Brown (D)
Brent Cromley (D)
Paula Darko (D)
Tim Dowell (D)
Budd Gould (R)
Stella Jean Hansen (D)
Harriet Hayne (R)
Ed McCaffree (D)
Tom Nelson (R)
Sheila Rice (D)
Richard Simpkins (R)
Norm Wallin (R)

Members Absent: Jim Rice (R)

Staff Present: Bart Campbell, Legislative Council
Lois O'Connor, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON SB 367

Presentation and Opening Statement by Sponsor:

SEN. CRIPPEN, Senate District 45, Billings, stated SB 367 would enact a law that would authorize the Yellowstone County Commissioners to donate the land and building known as the Yellowstone Art Center to the Yellowstone Art Center Foundation. The foundation is a private, nonprofit entity. The Yellowstone Art Center is housed in the old county jail. The Center would like to expand, remodel, and obtain land that is adjacent to the building. The county owns the building. In order for the county to donate the Center, they must have a specific act in statute. The County Commissioners do not have the authority. The donation

would be responsible and personally liable for any overage. Currently the law reads that the Clerk and Recorder and County Commissioners are responsible.

Closing by Sponsor:

SEN. HARDING stated that department heads are responsible people. They ask for the budget and know what they will spend it on. They will not overrun the budget. SB 334 would give them the latitude to use the full budget instead of line items. She asked that **REP. S.J. HANSEN** carry the bill.

HEARING ON SB 276

Presentation and Opening Statement by Sponsor:

SEN. FRITZ, Senate District 28, Missoula, stated that SB 276 asks cities and towns to keep firefighters, who are injured in the line of duty, whole in terms of salary. They would be paid the difference between their workers' compensation payments and their normal salary.

Proponents' Testimony:

Tim Bergstrom, Montana State Firemens' Association, said that SB 276 provides that a firefighter, who is injured in the performance of duty, may be compensated through a combination of salary and workers' compensation benefits at an amount equal to his take home salary. It is similar to statute for municipal police officers. Workers' compensation benefits are not taxable. He proposed an amendment to change "local" to "federal" taxes. It would give injured firefighters the incentive to return to work than be placed on disability retirement.

Edward Flies, Montana State Firemens' Association, said this bill would be in effect for one year, while they are recuperating. If they are not recuperated by that time, they must take a disability retirement.

Alec Hansen, Montana League of Cities and Towns, stated fire fighters provide an invaluable service to communities. SB 276 would protect firemen's wages for one year if injured in the line of duty. He supported the amendment proposed by **Mr. Bergstrom.**

Christian Mackay, AFL-CIO, provided written testimony, **EXHIBIT 1**

Opponents' Testimony: None

Questions From Committee Members:

REP. BARNETT asked **Tim Bergstrom** if he would like to leave "local" and add "federal" in case of local option taxing. There is a possibility of local option taxes in the future and it would be covered in statute. **Mr. Bergstrom** said yes.

REP. GOULD asked **Vern Erickson** if city retirees were on social security. **Mr. Erickson** stated fire fighters are not eligible for social security. Their pension benefits are granted through unified fire retirement systems.

REP. WALLIN asked **Alec Hansen** if there were any other public employees that get this type of break. **Mr. Hansen** said police officers get the difference between their gross salary and weekly compensation benefits. This has been a real problem because the compensation benefit is not taxable. When you add the difference between $299 and gross salary, a disabled police officer makes more at home than he does on the job. This has been a disincentive to return to work. This is the reason for the amendment. **REP. WALLIN** asked how this affected volunteer firemen and if the Legislature was mandating a cost without providing funding. **Mr. Hansen** said it did not apply to volunteers and the Legislature would be mandating a cost. The cities and town are recognizing this as a fair benefit and can manage it. The cost will not be significant. **REP. SIMPKINS** asked if police officers have similar laws on the books at present. **Mr. Hansen** said yes. **REP. SIMPKINS** asked what type of commercial disability insurance is available for fire fighters. **Mr. Hansen** said the majority of the firemen are covered by workers' compensation that the cities and towns operate. Volunteers covered by a disability program. This would not apply to disability insurance. **REP. SIMPKINS** said if they are negotiating in contract with cities currently and asked why does the state get involved. **Mr. Hansen** said at a workers' compensation rate of $299, if a senior firefighter is hurt, he could be losing $20 to $30 a week. The bill is to protect the wages of firemen for a period of one year.

REP. DARKO asked **Mr. Hansen** how many first and second class cities would be covered under this law. **Mr. Hansen** said 10. **REP. DARKO** asked what is the incidence of injury to firemen in the last five years. **Mr. Hansen** said he wasn't sure but felt the usage of the bill would be low. **REP. SIMPKINS** asked if any city that can't put this into effect without the law. **Mr. Hansen** said that all cities could negotiate.

Closing by Sponsor:

SEN. FRITZ said that SB 276 is a mandate, but we are not talking much money. He asked that **REP. S.J. HANSEN** carry the bill.

HEARING ON SB 305

Presentation and Opening Statement by Sponsor:

SEN. ANDERSON, Senate District 37, Alder, said SB 305 will amend the law that would allow ambulance service in multijurisdictional districts. It would provide ambulance service into Yellowstone Park. The nearest hospital is Bozeman.

Questions From Committee Members: None

Closing by Sponsor:

SEN. BECK asked for the committee's concurrence and that **REP. McCAFFREE** carry SB 357.

EXECUTIVE ACTION ON SB 357

Motion/Vote: REP. SIMPKINS MOVED SB 357 BE CONCURRED IN AND PLACED ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 305

Motion/Vote: REP. CROMLEY MOVED SB 305 BE CONCURRED IN AND PLACED ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 367

Motion/Vote: REP. WALLIN MOVED SB 367 BE CONCURRED IN AND PLACED ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 276

Motion/Vote: REP. WALLIN MOVED TO TABLE SB 276. Motion failed by voice vote.

Motion: REP. DARKO MOVED SB 276 BE CONCURRED IN.

Motion: REP. DARKO moved to amend SB 276. **EXHIBIT 2**

Discussion:

REP. GOULD asked **REP. DARKO** if "local" should be left in and add "local and federal" in case they end up with local option taxes. **REP. DARKO** said she would leave that up to the committee.

REP. SIMPKINS asked **Bart Campbell** what would happen if they just said "income taxes". **Mr. Campbell** that it would be interpreted as all income taxes.

Motion: REP. DARKO moved to amend her motion and add "federal". Motion carried unanimously. **EXHIBIT 3**

Motion/Vote: REP. DARKO MOVED SB 276 BE CONCURRED IN AS AMENDED.

Discussion:

REP. McCAFFREE stated he was concerned with the ripple effect the bill is going to have. It will continue to grow into other areas. **REP. S.J. HANSEN** disagreed because firefighters are unique in the work they do. They put their lives in jeopardy when no one else would. They are entitled to this compensation.

REP. SIMPKINS stated all public employees are valuable and we shouldn't be classifying employees throughout the public sector to qualify for service. Cities and counties have the authority to make this available to firemen now. The bill is not needed. **REP. WALLIN** stated SB 276 is a mandatory bill. Local situations should be negotiated. **REP. DARKO** said as a matter of public policy, firemen and policemen are unique. They provide public safety, and we demand things of them that we demand of no other public employees. Every time they preform their jobs, they are risking their lives or livelihood. **REP. BROOKE** said there was very little difference between workers' compensation rate and average weekly salary. This is a way for the state to say this is the kind of support we would like to see given to someone injured in the line of duty.

REP. BARNETT asked **Bart Campbell** if police received their compensation through negotiation or statute. **Mr. Campbell** said that policemen have a law by which they are compensated based on gross salary in their contracts. **REP. BARNETT** stated that they should have to use up their sick leave before this bill would go into effect.

Vote: Motion carried 14 to 4 with **REPS. McCAFFREE, WALLIN, SIMPKINS,** and **HAYNE** voting no.

HEARING ON SB 437

Presentation and Opening Statement by Sponsor:

SEN. BROWN, Senate District 2, Whitefish, stated SB 437 establishes reasonable fees for lake related construction permits. In 1975, the Legislature passed the Lakeshore Protection Act. The statutory fee set was $10. It also stated that federal revenue sharing would pay for part of the lake shore regulations and fees. Federal revenue sharing hasn't been around since the 1980s. SB 437 states that the fee must reasonably address the cost involved. With a $10 fee, it is not possible for the county General Fund to break even. The permitting process is costing the counties a significant amount of money. They want to get the money for processing the applications back.

Proponents' Testimony:

Ray Harbin, Lake County Commission, stated Lake County has 2,700 individual parcels of property that are bought on Flathead Lake. One fulltime employee in the planning department does nothing but deal with lakeshore permitting. The fees are very inadequate.

Opponents' Testimony: None

Questions From Committee Members:

REP. BROOKE asked **SEN. BROWN** to explain what happened to the

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL **DATE** 3-13-91

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko	X		
Rep. Jessica Stickney, Vice-Chair	X		
Rep. Joe Barnett	X		
Rep. Arlene Becker	X		
Rep. Vivian Brooke	X		
Rep. Dave Brown	X		[redacted]
Rep. Brent Cromley	X		
Rep. Tim Dowell	X		
Rep. Budd Gould	X		
Rep. Stella Jean Hansen	X		
Rep. Harriet Hayne	X		
Rep. Ed McCaffree	X		
Rep. Tom Nelson	X		
Rep. Jim Rice		X	
Rep. Sheila Rice	X		
Rep. Richard Simpkins	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt, Chair	X		

CS05LOCGOV.MAN

3/14/91
lmw

HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Mr. Speaker: We, the committee on Local Government report that Senate Bill 276 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Diana Wyatt, Chairman

Carried by: Rep. S.J. Hansen

And, that such amendments read:

1. Page 1, line 15.
Strike: "STATE AND LOCAL"

EXHIBIT 1
3-13-91
SB 276

MONTANA STATE AFL-CIO
APRIL 29 1956

DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON SENATE BILL 276, BEFORE THE HOUSE LOCAL GOVERNMENT COMMITTEE, MARCH 13, 1991.

Madam Chair, Members of the Committee, for the record my name is Don Judge representing the Montana State AFL-CIO, here today in full support of Senate Bill 276.

The full intent and purpose of this legislation is to afford financial assistance to firefighters and their families in the event the firefighter becomes injured and cannot return to work for a period of time. All that is being asked is that the financial gap between normal net income and workers' compensation benefit be filled.

This bill is expressly fair for individuals who are prepared to lay their very lives on the line in the name public safety.

We strongly request your concurrence on Senate Bill 276.

Thank you.

PRINTED ON UNION MADE PAPER

3-13-91
SB 276

Amendments to Senate Bill No. 276
Third Reading Copy

For the Committee on Local Government

Prepared by Bart Campbell
March 14, 1991

1. Page 1, line 15.
Strike: "STATE AND LOCAL"

3-13-91
SB-276

Amendment

SENATE BILL 276

Page 1

Line 15: Strike "LOCAL" and insert "FEDERAL."

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB 276

DATE 3-13-91 SPONSOR(S) Fritz

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Tim Bergstrom	MT. State Firemens' Assoc.	SB 276		X
Vern Erickson	" " " "	SB 276		X
Edward Flies	MT State Council Fire Fighters	SB 276		X
CHRISTIAN MACKAY	MT. ST. AFL-CIO	SB 236		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.